

REMARKS

This is in response to the Office Action dated September 24, 2003. Claims 1-5, 7 and 9 have been canceled. Thus, claims 6, 8 and 10 are now pending.

The interview summary form accompanying the September 24, 2003 Office Action accurately explains the complete context of the telephone discussed of September 22, 2003. The September 24, 2003 Office Action withdrew the previous Office Action and re-started the time period for response since the previous Office Action did not address claims 9-10.

Claim 6 is the only independent claim left pending.

Claim 6 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Moustakas in view of Shinichi and Noriyuki (JP 2000-223424, which is the published priority document of the instant application). This Section 103(a) rejection is incorrect at least because Noriyuki is not prior art to claim 6. Claim 6 is entitled to a U.S. filing date of January 27, 2000 (the filing date of the parent case). Meanwhile, Noriyuki published on August 11, 2000, well after the effective U.S. filing date of claim 6. Thus, Noriyuki is not prior art, and the rejection should be withdrawn.

Claim 6 also stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Moustakas in view of Shinichi and Tomita. This 3-way Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 6 requires a *combination* of non-overlapping pulses at a duty ratio of $\leq 20\%$ and an ON time of $\leq 10 \mu\text{sec}$. The cited art fails to disclose or suggest this aspect

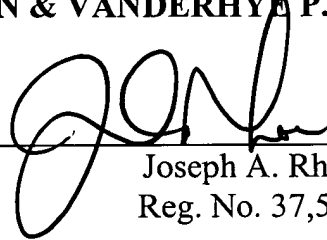
of claim 6. While Shinichi discloses non-overlapping ON pulses and a duty ratio of 10-15%, there is no suggestion in the art of record for modifying Shinichi in order to use Tomita's ON time of 5 μ sec. In other words, there is no suggestion in the cited art for the claimed combination of duty ratio of $\leq 20\%$, non-overlapping, and ON time $\leq 10 \mu$ sec. There is absolutely no reason present in the art of record which would have caused one of ordinary skill in the art to have modified the cited art in this respect. Hindsight is not permissible.

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

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